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6 DISTRICT COURT OF GUAM
7 TERRITORY OF GUAM
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10 TCW SPECIAL CREDITS, *et al.*,
11 Plaintiffs,
12 vs.
13 FISHING VESSEL CHLOE Z, *et al.*,
14 Defendants.

CIVIL CASE NO. 96-00055

REPORT & RECOMMENDATION

re: Matos and Pranjic's Motion to Withdraw
Funds to Satisfy *In Rem* Judgments
(Docket No. 1599)

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16 On December 11, 2006, plaintiffs-in-intervention Slobodan Pranjic and Robert Matos
17 (collectively referred to as the "Plaintiffs") filed a Motion to Withdraw Funds to Satisfy *In Rem*
18 Judgments. (Docket No. 1599.) Therein, the Plaintiffs seek "a written accounting of all funds
19 deposited and withdrawn from the Court Registry that relate to the TCW action." Mot., Docket
20 No. 1599, at 2, ¶2.¹ Additionally, they request "withdraw[al] of all available funds from the
21 Court Registry in the TCW accounts to, at least, partially satisfy [their] judgments that are
22 currently in excess of \$2,375,000." *Id.* at 6, ¶2.

23 Following referral of said motion to the below-signed Magistrate Judge, the Court held a
24 hearing on the matter on April 26, 2007. After reviewing the lengthy case file and all pertinent
25 pleadings and having heard the parties' argument, the Court hereby issues the following Report
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27 ¹ This motion further states in ¶4, page 3: "To clarify these issues, MATOS and PRANJIC
28 are seeking a written accounting of all deposits and withdrawals from the TCW accounts held in the
Court Registry since commencement of these proceedings."

& Recommendation to the Chief Judge recommending the following:

1. That the Court's financial administrator prepare a written report which accounts for all funds deposited and withdrawn from the Court Registry that relate to this TCW action. Said report should be provided to the Plaintiffs (Pranjin and Matos), plaintiff TCW, and defendant Chloe Z. Furthermore, other interested parties who wish to obtain a copy of the report shall make a written request to the Court;
2. That the Chief Judge defer ruling on the Plaintiffs' motion to withdraw funds until such time as she has made a final ruling on the Plaintiffs' Motion to Establish Pre-Judgment and Post-Judgment Interest on Matos and Pranjin *In Rem* Judgments (Docket No. 1575); and
3. Should the Chief Judge be inclined to grant the Plaintiffs' request to withdraw a portion of the available funds from the Court Registry to partially satisfy the Plaintiffs' judgments, that Pranjin be paid \$533,469.00 and that Matos be paid \$621,514.50. These sums represent the principal amounts awarded in the original *in rem* judgments, with the exception that \$43,951.92 for past medical expenses was deducted from Pranjin's award consistent with the ruling of the Ninth Circuit Court of Appeals.



/s/ Joaquin V.E. Manibusan, Jr.
U.S. Magistrate Judge
Dated: May 03, 2007